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ELECTION COMMISSION, INDIA

NOTIFICATION

New Delhi, the 12th September 1952

BEFORE THE ELECTION TRIBUNAL, MYSORE (BANGALORE)

AT MUNICIPAL CORPORATION BUILDING, NEAR MAYO HALL, CIVIL STATION, BANGALORE.

No. 121.— In pursuance of the provisions of sub-section (1) of Section 90 of the Representation of the People Act, 1951 (XLIII of 1951) the following election petition presented under Section 81 thereof is published for information.

*Election Petition No. 121 of 1952.*

Received by me this the ninth day of April, 1952, by registered post.

Dated the 9th April, 1952.

(Sd.) P. S. SUBRAMANIAN.

IN THE COURT OF THE ELECTION COMMISSION OF INDIA, DELHI.

*Petitioner.*—Sri M. C. Linge Gowda, aged about 65 years, Hindu. Residing at Maddur, Mandya District, Mysore State.

*Versus*

*Respondent.*—Sri M. K. Shivananjappa, B.A., LL.B., aged about 33 years, Hindu, Residing at Mandya Town, Mysore State.

*SUBJECT.*—Regarding the Election for the seat of the House of People from Mandya Constituency, Mysore State.

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Under Section 81 of the Mysore State Representation of the People's Act, 1951.

The petitioner above named begs to state as follows:—

(1) That for the purposes of summons and notices, the address of the parties is as given above.

(2) The petitioner and the respondent were the only candidates to the election for the seat to the House of People from Mandya Constituency, Mysore State, held in January, 1952. The respondent who is a Congress nominee has been declared elected and 28th March 1952 was the last date for filing the election expenses. Hence this petition is within time. The petitioner is calling into question the aforesaid election of the respondent under Sections 100 and 101 of the Representation of the People's Act 1951 on the following grounds:—

(3) The election has not been a free and fair election by reason of innumerable congressmen and persons in power and authority of the Government openly canvassing and thereby coercing and intimidating the voters from exercising their votes freely according to their free will. That some of the Ministers of the

Mysore Government including Sri K. C. Reddy, Chief Minister, Sri T. Marippa, Home Minister, Sri K. T. Bhasyam, Law Minister, Sri H. C. Dasappa, Finance Minister, extensively toured this constituency and delivered many lectures holding out promises and threats and thereby unduly influenced the voters to cast their votes in favour of the respondent who is a Congress nominee.

(4) That the respondent and his agents and the men belonging to the Congress party have extensively resorted to various corrupt and illegal practices and have brought to bear undue influence on the voters and the entire election is vitiated in law.

(5) The respondent and his agents have practised personation on a very large scale all over the constituency in about 355 polling booths. The votes of dead persons have been exercised and the votes of innumerable persons who have not turned up to the polling booths have been cast in favour of the respondent. All this is done deliberately at the specific instructions of the respondent and his agents with a view to get himself elected by illegal practices and he is therefore disqualified from being declared as a candidate to the House of People.

(6) For instance, in Gejjalgeri polling booth alone voters Nos. 29—Lingamma, wife of Kolapale Gowdal 103—Ammannama, wife of Siddiah; 141—Devamma, wife of Bettachari, 476—Hombalamma, wife of Malliah who are all dead, and their votes have been exercised in favour of the respondent. Similarly in a booth of Channapatna Town, Voters Nos. 1184, Nacharamma and 1185—Kamalamma and No. 884 in booth No. 2. Gillan Sab son of Usman Sab are dead and their votes have been exercised in favour of the respondent at the instance of the respondent and his blood relatives and agents. Since this has taken place all over the constituency, the election of the respondent is vitiated in law.

(7) In one of the Buthana Honsur village Polling booth, a sugar Factory Employee, who is under the control of the Chairman of the Sugar Co. Ltd., was found introducing several ballot papers into the respondent's ballot box and he was handed over to the Police immediately.

(8) The result of the election has been materially affected by the fact that Sri A. G. Bandigowda, the Chairman of the Mandya Sugar Factory Managed by the Government and in which the Government has an interest of 60 per cent, and who is a public servant, was not only the Chairman of the Congress Party Publicity Committee of Mandya District but also he has brought undue influence to bear upon the cane grower voters and factory and farm labourers in various ways, and he has also influenced several of his subordinates to openly canvass for the Congress party nominee and consequently in the entire cane growing area the petitioner has secured lesser number of votes than the respondent. The Legal Adviser of the Sugar Company Sri T. V. Rudrappa, the Cane Superintendent of the Sugar Factory, who is a lent officer of the Government (an Assistant Commissioner), several Cane supervisors, some of whom are lent officers of the Government of Mysore, Fieldsmen and other employees of the Sugar Company have openly canvassed in favour of the respondent. There are about 5,000 labourers working under the Sugar Company and they hail from all parts of the Mandya Constituency and were in a position to influence every voter in the constituency.

(9) The Chairman and his subordinates have shown several concessions to the cane growers in the area immediately before the elections with a view to induce the voters to vote in favour of the Congress party. They have purchased non-contracted sugar-cane of about 40,000 tons both immediately before and after the elections giving them a huge unexpected profits of more than Rs. 30 per ton, and contrary to the usual practice have advanced other instalments along with the first instalment or immediately thereafter, in order to induce the voters. He has also induced the cane grower voters by issuing an appeal to them as Chairman of the Sugar Company, and also holding meetings and delivering lectures and inducing voters where-ever he went. On the election days also he visited almost all the booths in the Parliamentary constituency inducing the voters to vote for his party nominees.

(10) Several automobile vehicles, cars, lorries and jeeps belonging to the Sugar Company were freely used to canvas and to secure votes and voters. Sri H. K. Veeranna Gowda, who is the Chairman of the Sugarcane Cess Fund Committee, controlling about 50 lacs of rupees of Government money with other influential Committee Members and which money as intended for the improvement of Communications and health conditions in sugarcane area went about canvassing and inducing the voters to vote in favour of the Congress party whose nominee is the respondent.

(11) Sri K. V. Shankare Gowda, who is the Chairman of the Mandya District Development Committee, and who is dealing with large sums of Government money for the amelioration of the rural people in Mandya District toured the constituency extensively and openly canvassed and influenced voters all over the constituency. He is also a member of the Sugarcane Cess Committee.

(12) It is therefore clear that there was no fair election at all and the entire election is invalid in law. All these illegalities are perpetrated within the knowledge and connivance of the respondent and his agents and but for the aforesaid illegal and corrupt practices practised on a large scale, the respondent would not have got so many votes and would have got lesser number of votes than the petitioner. The respondent is not entitled to be declared as an elected candidate, as he is responsible for the aforesaid illegal and corrupt practices and the petitioner is entitled to be declared as a candidate to the seat in the House of People from Mandya constituency.

(13) The respondent has not kept and rendered proper and valid accounts of his election expenses and the amount of money spent by him for the election is much more than the maximum amount prescribed for the election of the House of People. The respondent is therefore disqualified from becoming a member and the petitioner is therefore entitled to be declared as the elected for the said seat.

(14) The petitioner has already filed the correct election expenses to the Returning Officer and he has also deposited Rs. 1,000 in the Government Treasury as required under law and the chellan is herewith enclosed.

Wherefore the petitioner prays that the election of the respondent may be declared as illegal and the petitioner may be declared as duly elected to the House of People from the Mandya Constituency in the interests of justice and equity.

*Dated the 7th April, 1952.*

(Sd.) M. C. LINGE GOWDA,—*Petitioner.*

I, the petitioner above named do hereby solemnly affirm and declare that what is stated above in para. 1 to 14 are true to the best of my knowledge, information and belief.

*Dated the 7th April, 1952.*

(Sd.) M. C. LINGE GOWDA,—*Petitioner.*

Any other candidate may apply to the Election Tribunal for being impleaded as a respondent within fourteen days from the date of the publication.

V. KANDASWAMI PILLAI,—*Chairman.*

P. S. SUBRAMANIAN,  
*Officer on Special Duty.*

